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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,) No. 3:21-cr-00037-JMK-DMS
)
Plaintiff,	) <u>COUNTS 1-2:</u>
	) POSSESSION OF
vs.	) METHAMPHETAMINE WITH
	) INTENT TO DISTRIBUTE
MIGUEL PINEIRO, JR., and SHEARN	) Vio. of 21 U.S.C. § 841(a)(1),
JOSHUA,	) (b)(1)(A), (C)
)
Defendants.	) <u>COUNTS 3-4:</u>
	) POSSESSION OF FIREARMS IN
	) FURTHERANCE OF DRUG
	) TRAFFICKING OFFENSE
	) Vio. of 18 U.S.C. § 924(c)(1)(A)(i),
	) (B)(i)
)
	) <u>COUNT 5-6:</u>
	) FELON IN POSSESSION OF
	) FIREARMS
	) Vio. of 18 U.S.C. §§ 922(g)(1)
	) and 924(a)(2)

) ENHANCED STATUTORY
) PENALTIES ALLEGATION 1:
) 21 U.S.C. § 841(b)(1)(A)
)
) ENHANCED STATUTORY
) PENALTIES ALLEGATION 2:
) 21 U.S.C. § 861(a)(2), (b)
)
) CRIMINAL FORFEITURE
) ALLEGATION 1:
) 21 U.S.C. § 853(a)(1), (2) and
) 28 U.S.C. § 2461(c)
)
) CRIMINAL FORFEITURE
) ALLEGATION 2:
) 18 U.S.C. § 924(d) and
) 28 U.S.C. § 2461(c)
)
)

I N D I C T M E N T

The Grand Jury charges that:

COUNT 1

On or about February 18, 2021, within the District of Alaska, the defendant, MIGUEL PINEIRO, JR., knowingly possessed a controlled substance with intent to distribute, to wit: 50 grams or more of pure methamphetamine, cocaine, and fentanyl.

All of which is in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A), (C).

COUNT 2

On or about February 18, 2021, within the District of Alaska, the defendant, SHEARN JOSHUA, knowingly possessed a controlled substance with intent to distribute, to wit: 50 grams or more of pure methamphetamine.

All of which is in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A).

COUNT 3

On or about February 18, 2021, within the District of Alaska, the defendant, MIGUEL PINEIRO, JR., knowingly possessed firearms in furtherance of the drug trafficking crime charged in Count 1.

All of which is in violation of 18 U.S.C. § 924(c)(1)(A)(i) and (B)(i).

COUNT 4

On or about February 18, 2021, within the District of Alaska, the defendant, SHEARN JOSHUA, knowingly possessed a firearm in furtherance of the drug trafficking crime charged in Count 2.

All of which is in violation of 18 U.S.C. § 924(c)(1)(A)(i).

COUNT 5

On or about February 18, 2021, within the District of Alaska, the defendant, MIGUEL PINEIRO, JR., knowing that he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting interstate commerce, firearms, to wit: a Smith & Wesson SD40 VE .40 caliber semiautomatic pistol, a J.C. Jiggins 20-12 12 gauge shotgun, a Bushmaster XM-15 E2S 5.56 mm semiautomatic rifle, and a Ruger LC9s 9mm semiautomatic pistol, and associated ammunition.

Prior Conviction

<u>Date</u>	<u>Offense</u>	<u>Court</u>	<u>Case Number</u>
August 2, 2007	Conspiracy to Distribute Cocaine	U.S. District Court for the Western District of Washington	2:09-cr-00353

All of which is in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

COUNT 6

On or about February 18, 2021, within the District of Alaska, the defendant, SHEARN JOSHUA, knowing that he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting interstate commerce, a firearm, to wit: a Glock 19 9mm semiautomatic pistol.

Prior Convictions

<u>Date</u>	<u>Offense</u>	<u>Court</u>	<u>Case Number</u>
September 22, 2009	Tampering with a Witness in the First Degree	Alaska Superior Court	3AN-09-11048CR
September 20, 2009	Criminally Negligent Homicide	Alaska Superior Court	3AN-11-05363CR
July 10, 2009	Misconduct Involving a Controlled Substance in the Third Degree	Alaska Superior Court	3AN-09-07889CR

All of which is in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

ENHANCED STATUTORY PENALTIES ALLEGATION 1

Before the defendant, MIGUEL PINEIRO, JR., committed the offense charged in Count 1, he had a final conviction for a serious drug felony, Conspiracy to Distribute Cocaine in violation of 21 U.S.C. §§ 846 and 841, for which he served more than 12 months of imprisonment and for which his release from any term of imprisonment was within 15 years of the commencement of the offenses charged in Count 1.

All pursuant to 21 U.S.C. § 841(b)(1)(A).

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ENHANCED STATUTORY PENALTIES ALLEGATION 2

The defendant, MIGUEL PINEIRO, JR., knowingly used a person under eighteen years of age to assist in avoiding detection and apprehension for the offense charged in Count 1 by federal, state, and local law enforcement officials.

All pursuant to 21 U.S.C. § 861(a)(2), (b).

CRIMINAL FORFEITURE ALLEGATION 1

The allegations contained in Counts 1-2 of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to 21 U.S.C. § 853(a)(1) and (2) and 28 U.S.C. § 2461(c).

Upon conviction for the offenses in violation of 21 U.S.C. § 841 set forth in Count 1 of this Indictment, the defendants, MIGUEL PINEIRO, JR. and SHEARN JOSHUA, shall forfeit to the United States any property constituting or derived from, and any proceeds obtained, directly or indirectly, as the result of such offenses, and any property used or intended to be used, in any manner or part, to commit or to facilitate the commission of the offenses, including but not limited to:

1. A Smith & Wesson SD40 VE .40 caliber semiautomatic pistol, serial number RAX3376;
2. A J.C. Jiggins 20-12 short-barreled 12 gauge shotgun;
3. A Ruger LC9s 9mm semiautomatic pistol, serial number 329-9802;
4. A Glock 19 9mm semiautomatic pistol, serial number BLDR237;
5. A green ballistic vest;
6. Ammunition;

7. Firearms magazines; and
8. Approximately \$11,980 in U.S. currency.

All pursuant to 21 U.S.C. § 853(a)(1) and (2), 28 U.S.C. § 2461(c), and Rule 32.2(a) of the Federal Rules of Criminal Procedure.

CRIMINAL FORFEITURE ALLEGATION 2

The allegations contained in Counts 3-6 of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

Upon conviction for the offenses in violation of 18 U.S.C. §§ 922(g)(1) and 924(c)(1)(A)(i) set forth in Counts 4-6 of this Indictment, the defendants, MIGUEL PINEIRO, JR., shall forfeit to the United States pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c) any firearms and ammunition used in knowing violation of the offense, including but not limited to:

1. A Smith & Wesson SD40 VE .40 caliber semiautomatic pistol, serial number RAX3376;
2. A J.C. Jiggins 20-12 short-barreled 12 gauge shotgun;
3. A Ruger LC9s 9mm semiautomatic pistol, serial number 329-9802;
4. A Glock 19 9mm semiautomatic pistol, serial number BLDR237; and
5. Ammunition.

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All pursuant to 18 U.S.C. § 924(d), 28 U.S.C. § 2461(c), and Rule 32.2(a) of the Federal Rules of Criminal Procedure.

A TRUE BILL.

s/ Grand Jury Foreperson
GRAND JURY FOREPERSON

s/ Kayla Doyle
KAYLA DOYLE
Special Assistant U.S. Attorney
United States of America

s/ E. Bryan Wilson
E. BRYAN WILSON
Acting United States Attorney
United States of America

DATE: March 17, 2021